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*Attorneys for GitHub, Inc. and Microsoft Corporation*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

J. DOE 1, et al.,  
 Individual and  
 Representative Plaintiffs,  
 v.  
 GITHUB, INC., et al.,  
 Defendants.

AND CONSOLIDATED ACTION

Case No. 4:22-cv-6823-JST  
 Consolidated w/ Case No. 4:22-cv-7074-JST

**DEFENDANTS GITHUB AND  
 MICROSOFT'S LOCAL RULE 79-5(f)  
 ADMINISTRATIVE MOTION TO  
 CONSIDER WHETHER ANOTHER  
 PARTY'S MATERIAL SHOULD BE  
 SEALED**

Date: May 4, 2023  
 Time: 2:00 p.m.  
 Courtroom: 6, 2d Floor  
 Judge: Hon. Jon S. Tigar

Complaint Filed: December 7, 2022

Pursuant to Civil Local Rules 7-11 and 79-5(f), GitHub and Microsoft hereby move to file under seal portions of Defendants GitHub and Microsoft's Reply In Support of Their Motions to Dismiss Operative Complaint in Consolidated Actions (filed at ECF No. 72), the Hurst Declaration in Support of Defendants GitHub and Microsoft's Motions to Dismiss Operative Complaint in Consolidated Actions (filed at ECF No. 72-1), and Defendants GitHub and Microsoft's Opposition to Plaintiffs' Motion to Maintain Confidentiality Designations for Plaintiffs' True Names Pursuant to Section 6.3 of the Stipulated Protective Order (ECF No. 63) (filed at ECF No. 75), because Plaintiffs have asserted that the identity of the recipient of certain emails should be under seal. ECF No. 77 at 3-4. In support of this request, GitHub and Microsoft submit attached hereto, a copy of those filings with highlighted portions indicating the information subject to this request to seal, a declaration from Annette Hurst, and a proposed order.

Specifically, GitHub and Microsoft seek an order sealing the following information that Plaintiffs assert should be under seal:

Portion of Exhibit to be Sealed	Basis for Sealing Document or Portions Thereof
Highlighted portions of Defendants GitHub and Microsoft's Reply In Support of Their Motions to Dismiss Operative Complaint in Consolidated Actions (filed at ECF No. 72)	The highlighted portions reflect information that Plaintiffs have asserted should be under seal.
Hurst Declaration in Support of Defendants GitHub and Microsoft's Motions to Dismiss Operative Complaint in Consolidated Actions (filed at ECF No. 72-1)	The highlighted portions reflect information that Plaintiffs have asserted should be under seal.
Defendants GitHub and Microsoft's Opposition to Plaintiffs' Motion to Maintain Confidentiality Designations for Plaintiffs' True Names Pursuant to Section 6.3 of the Stipulated Protective Order (ECF No. 63) (filed at ECF No. 75)	The highlighted portions reflect information that Plaintiffs have asserted should be under seal.

1 The only purpose for this sealing request is to observe Plaintiffs' request for sealing until  
2 such time as it is lifted by the Court. Defendants do not agree that this information meets the  
3 standard for sealing and in fact object to it.

4  
5 Dated: April 24, 2023

Orrick, Herrington & Sutcliffe LLP

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7 By: /s/ Annette L. Hurst  
8 ANNETTE L. HURST  
9 Attorneys for Defendants  
10 GitHub, Inc. and Microsoft Corp.  
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